

331.389 Mental health and disability services regions — criteria.

1. *a.* Local access to mental health and disability services for adults shall be provided either by counties organized into a regional service system or by individual counties that are exempted as provided by [this subsection](#). The department of human services shall encourage counties to enter into a regional system when the regional approach is likely to increase the availability of services to residents of the state who need the services. It is the intent of the general assembly that the adult residents of this state should have access to needed mental health and disability services regardless of the location of their residence.

b. If a county has been exempted prior to July 1, 2014, from the requirement to enter into a regional service system, the county and the county's board of supervisors shall fulfill all requirements and be eligible as a region under [this chapter](#) and [chapters 222, 225, 225C, 226, 227, 229, and 230](#) for a regional service system, regional service system management plan, regional governing board, and regional administrator, and any other provisions applicable to a region of counties providing local mental health and disability services. Additionally, a county exempted under [this subsection](#) shall be considered a region for purposes of [chapter 426B](#).

2. The director of human services shall approve any region meeting the requirements of [subsection 3](#).

3. Each county in the state shall participate in an approved mental health and disability services region, unless exempted pursuant to [subsection 1](#). A mental health and disability services region shall comply with all of the following requirements:

a. The counties comprising the region are contiguous.

b. The region has at least three counties.

c. The region has the capacity to provide required core services and perform required functions.

d. At least one community mental health center or a federally qualified health center with providers qualified to provide psychiatric services, either directly or through contractual arrangements with mental health professionals qualified to provide psychiatric services, is located within the region, has the capacity to provide outpatient services for the region, and is either under contract with the region or has provided documentation of intent to contract with the region to provide the services.

e. A hospital with an inpatient psychiatric unit or a state mental health institute is located in or within reasonably close proximity to the region, has the capability to provide inpatient services for the region, and is either under contract with the region or has provided documentation of intent to contract with the region to provide the services.

f. The regional administrator structure proposed for or utilized by the region has clear lines of accountability and the regional administrator functions as a lead agency utilizing shared county staff or other means of limiting administrative costs.

4. County formation of a mental health and disability services region is subject to all of the following:

a. On or before April 1, 2013, counties voluntarily participating in a region have complied with all of the following formation criteria:

(1) The counties forming the region have been identified and the board of supervisors of the counties have approved a written letter of intent to join together to form the region.

(2) The proposed region complies with the requirements in [subsection 3](#).

(3) The department provides written notice to the boards of supervisors of the counties identified for the region in the letter of intent that the counties have complied with the requirements in [subsection 3](#).

b. Upon compliance with the provisions of paragraph "a", the participating counties are eligible for technical assistance provided by the department.

c. The department shall work with any county that has not agreed to be part of a region in accordance with paragraph "a" and with the regions forming around the county to resolve issues preventing the county from joining a region. In addition to the regional governance agreement requirements in [section 331.392](#), the department may compel the county and region to engage in mediation for resolution of a dispute. The costs incurred for mediation

shall be paid by the county and the region in dispute according to their governance agreement. A county that has not agreed to be part of a region in accordance with paragraph “a” shall be assigned by the department to a region, unless exempted prior to July 1, 2014. A county assigned by the department to a region shall be included in that region’s amended governance agreement pursuant to [this section](#) as of an effective date designated by the department. The assigned county and region shall operate according to the region’s existing governance agreement until the regional governance agreement is amended.

d. On or before December 31, 2013, all counties shall be part of a region that is in compliance with the provisions of paragraph “a” other than meeting the April 1, 2013, date.

e. On or before June 30, 2014, unless exempted prior to July 1, 2014, all counties shall be in compliance with all of the following mental health and disability services region implementation criteria:

(1) The board of supervisors of each county participating in the region has voted to approve a [chapter 28E](#) agreement.

(2) The duly authorized representatives of all the counties participating in the region have signed the [chapter 28E](#) agreement that is in compliance with [section 331.390](#).

(3) The county board of supervisors’ or supervisors’ designee members and other members of the region’s governing board have been appointed in accordance with [section 331.390](#).

(4) Executive staff for the region’s regional administrator have been identified or engaged.

(5) An initial draft of a regional service management transition plan has been developed which identifies the steps to be taken by the region to do all of the following:

(a) Designate local access points for the disability services administered by the region.

(b) Designate the region’s targeted case manager providers funded by the medical assistance program.

(c) Identify the service provider network for the region.

(d) Define the service access and service authorization process to be utilized for the region.

(e) Identify the information technology and data management capacity to be employed to support regional functions.

(f) Establish business functions, funds accounting procedures, and other administrative processes.

(g) Comply with data reporting and other information technology requirements identified by the department.

(6) The department has approved the region’s [chapter 28E](#) agreement and the initial draft of the regional management transition plan.

f. If the department, in consultation with the state commission, determines that a region is in substantial compliance with the implementation criteria in paragraph “e” and has sufficient operating capacity to begin operations, the region may commence partial or full operations prior to July 2014.

5. a. If the department determines that a region or an exempted county is not adequately fulfilling the requirements under [this chapter](#) for a regional service system, the department shall address the region or county in the following order:

(1) Require compliance with a corrective action plan.

(2) Reduce the amount of the annual state funding provided for the regional service system or exempted county, including amounts received under [section 225C.7A](#), not to exceed fifteen percent of the amount.

(3) Withdraw approval for the region or for the county exemption, as applicable.

b. The department shall rely on all information available, including annual audits submitted under [section 331.391](#), regional governance agreements submitted under [section 331.392](#), and annual service and budget plans submitted under [section 331.393](#) in determining whether a region or an exempted county is adequately fulfilling the requirements for a regional service system. The department may request and review financial documents,

contracts, and other audits, and may perform on-site reviews and interviews to gather information.

2012 Acts, ch 1120, §32, 37, 39; 2013 Acts, ch 140, §170, 186; 2018 Acts, ch 1165, §84 – 88, 91; 2020 Acts, ch 1121, §49, 50; 2021 Acts, ch 177, §85, 86, 108

Referred to in §222.2, 225.1, 225C.2, 225C.7A, 226.1, 227.1, 229.1, 230.1, 331.391, 331.393, 331.424A, 331.910

Subsection 1, paragraph b amended

Subsection 5, paragraph a, subparagraph (2) amended